



# California Regional Water Quality Control Board

## North Coast Region

**William R. Massey, Chairman**

**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb1/>  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



**Gray Davis**  
Governor

March 14, 2003

Mr. Jim Andersen  
County Administrative Officer  
501 Low Gap Road  
Ukiah, CA 95482

Dear Mr. Anderson:

**Subject:** California Water Code Section 13267 Order Amending the October 7, 2002  
California Water Code Section 13267 Order Regarding Laytonville Landfill  
Groundwater Investigation

**File:** Mendocino County, Laytonville Solid Waste Disposal Site,  
WDID No. 1B75050MEN

On October 7, 2002, I issued a California Water Code (CWC) Section 13267 Order for a groundwater investigation at the Laytonville Solid Waste Disposal Site (Site). The groundwater monitoring network at the Site is currently insufficient to determine the groundwater gradient in the alluvium and upper Franciscan aquifer necessary to develop a hydrogeologic model for the Site. This information is necessary to evaluate the effectiveness of the Site's groundwater monitoring program. Based on the potential threats to water quality, additional groundwater investigation work must be performed at the Laytonville Landfill. The October 7, 2002 California Water Code Section 13267 Order regarding Laytonville Landfill Groundwater Investigation mandated the completion of this new investigation.

In order to develop a comprehensive monitoring well network, background wells will need to be constructed on Cahto Tribe lands adjacent to the Site. Regional Water Board and Mendocino County Solid Waste staffs have been in contact with a Cahto Tribe environmental representative regarding the possibility of placing background wells on Cahto Tribe lands. We understand that the Cahto Tribe is interested in negotiating access, but was unable to complete within the timeframe of our October 7, 2002, 13267 Order. On February 25, 2003 the Cahto Tribe approved by a consensus vote allowing the background wells on the property for ten years, however the additional steps discussed below must be completed in order for the project to proceed. Thus, Mendocino County has requested a time extension for completion of the project.

**California Environmental Protection Agency**



Recycled Paper

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at: <http://www.swrcb.ca.gov/>."

For the background wells to be placed on Cahto Tribe lands there are two major steps to be completed. First, the Cahto Tribe and Mendocino County need to reach an access agreement acceptable to both parties. Second, the Bureau of Indian Affairs (BIA) must approve the project. The BIA's approval includes an environmental assessment, which is expected to take six months to a year to complete. In order to assure that the groundwater investigation is not delayed beyond the 2003 construction season without a reasonable chance of securing background wells for the site, I will conditionally grant the requested extension as described below.

This Order hereby replaces Items: 1), 2), and 3) of the October 7, 2002, 13267 Order. Please note that Items 4) through 7) and all other components of the October 7, 2002, 13267 Order remain unchanged and in force.

Pursuant to CWC Section 13267(b), the following work is required:

- 1) If an access agreement for the background wells IS NOT reached by April 18, 2003, Mendocino County shall submit an amendment to their work plan by May 30, 2003. This amendment shall propose a groundwater investigation without the background wells that still meets the requirements for determining groundwater gradient; development of a hydrogeologic model; and providing an appropriate groundwater monitoring network for the Site. The Regional Water Board acknowledges that Mendocino County cannot install background wells without access to Cahto Tribal lands because of the proximity of the waste footprint to the property boundary in the presumed upgradient direction (south).
- 2) If the Cahto Tribe and Mendocino County do not approve the access agreement, new wells and piezometers for the groundwater investigation shall be installed upon Regional Water Board staff approval of the amended work plan. Work shall be completed as soon as practicable, but no later than three months after Regional Water Board staff approval of the amended work plan.
- 3) If an access agreement for the background wells IS reached by April 18, 2003 then Mendocino County will be granted an extension to allow for the completion of the BIA approval. If BIA approval IS granted by April 18, 2004, Mendocino County shall implement the April 8, 2002 Work Plan and its June 10, 2002 Amendment, as approved by the Regional Water Board on June 24, 2002, installing new wells and piezometers for the groundwater investigation as soon as practicable during the 2004 construction season, but no later than August 31, 2004.
- 4) If BIA approval IS NOT granted by April 18, 2004, Mendocino County shall submit an amendment to their work plan by May 30, 2004. This amendment shall propose a groundwater investigation without the background wells that still meets the requirements for determining groundwater gradient; developing a hydrogeologic model; and providing an

***California Environmental Protection Agency***



*Recycled Paper*

appropriate groundwater monitoring network for the Site. The Regional Water Board acknowledges that Mendocino County cannot install background wells without access to Cahto Tribal lands because of the proximity of the waste footprint to the property boundary in the presumed upgradient direction (south).

- 5) If BIA approval is not completed by April 18, 2004, new wells and piezometers for the groundwater investigation shall be installed upon Regional Water Board staff approval of the amended work plan. Work shall be completed as soon as practicable, but no later than three months after Regional Water Board staff approval of the amended work plan.
- 6) Mendocino County may chose to implement the approved April 8, 2002 Work Plan and its June 10, 2002 Amendment in phases, if the county believes it is in their best interest to have wells in sooner than the proposed time delays. If the fieldwork is completed in phases, the County shall submit an interim report within 90 days of the completion of a given fieldwork phase. This report, at a minimum, shall include boring logs for all new locations; site maps showing the locations of all the Site's wells and piezometers; groundwater contour and flow direction maps for the alluvium and upper Franciscan aquifers; geologic cross-sections; well development data including pumping rates and recharge data; and well/piezometer surveying data.
- 7) All work plans and investigation reports shall be signed and stamped by a person licensed in the State of California as a professional civil engineer or certified engineering geologist.

The foregoing groundwater investigation is needed to address the potential water quality threat posed by the Laytonville Landfill and to assess the adequacy of the Site's monitoring program. The groundwater investigation and monitoring required by this Order will serve to determine whether water pollution is occurring and, if so, guide the County in developing an appropriate corrective action plan. More detailed information is available in the Regional Water Board's public file on this matter.

Please note that under CWC Section 13268, any person failing to comply with the terms of an order issued under CWC Section 13267(b), or who falsifies any information provided in response to the order, is guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs.

Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with CWC Section 13320 and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing

***California Environmental Protection Agency***



*Recycled Paper*

a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights.

If you should have any questions or require clarifications please contact Gina Morrison of my staff at (707) 576-2501.

Sincerely,



Susan A. Warner  
Executive Officer

GMM:tab\Layton\_13267amd\_gwinv.doc

cc: Mr. Paul Cayler, Solid Waste Division Director, Mendocino County – Solid Waste Division, 559 Low Gap Road, Ukiah, CA 95482

Trey Strickland, Mendocino County Environmental Health Division, 501 Low Gap Road, Ukiah, CA 95482

Reinhard Hohlwein, California Integrated Waste Management Board, P.O. Box 4025, Sacramento, CA 95812-4025

Jeff Inglis, U. S. Environmental Protection Agency - Region 9, 75 Hawthorne Street, San Francisco, CA 94105

Brandy Tomhave, J.D., TASWER, 1001 Connecticut Avenue, Suite 400, Washington, DC 20036-5504

Marilyn Underwood, California Department of Health Services, 1515 Clay Street, 17<sup>th</sup> Floor, Oakland, CA 94612

Mr. Vernon Wilson, Tribal Chair, Cahto Tribe of the Laytonville Rancheria, P. O. Box 1239, Laytonville, CA 95454

***California Environmental Protection Agency***



Recycled Paper